

REMARKS

By the present amendment, any reference numerals mentioned in the description that are not shown in the figures have been deleted from the specification. The claims previously pending are replaced by a new set of claims 38-56 that are believed to recite the invention with greater clarity.

Claims 20-37 were rejected in the Official Action as allegedly being obvious over BRASSET (U.S. Publication Application No. 2004/0231527) in view of CHEELEY (U.S. Patent No. 2,960,218). That rejection is respectfully traversed for the following reasons.

The new independent claim 38 recites a mould for a culinary preparation comprising: a flexible hollow piece made from an elastomer material and a rigid plate-shaped base stiffener, said flexible hollow piece having an upright side wall with a lower base which is connected to a lower portion of the flexible hollow piece, said lower portion comprising, on the one hand, a lower bead holding said rigid plate-shaped base stiffener and defining with said plate-shaped base stiffener a bottom wall of the mould, and, on the other hand, an upper bead extending above said lower bead, defining with said lower bead a groove in which the plate-shaped base stiffener is received, and pinning said plate-shaped base stiffener against said lower bead.

The BRASSET application discloses a flexible mould which incorporates a rigid reinforcement member as a stiffener; however, "the rigid reinforcement is localized solely at the opening of the base," as stated in paragraph 9 of the specification. In the BRASSET device, there is no rigid plate-shaped base stiffener, nor is there either a lower bead or an upper bead.

The CHEELEY patent discloses a disposable baking tin which can be used also as packaging for pre-measured ingredients. The tin comprises a circular ledge (13) and a bottom wall which has a retaining groove (14). The Office Action cites the ledge (13) as the plate-shaped base stiffener; however, the ledge (13) cannot be a base stiffener because the entire CHEELEY tin (including the base) is rigid and therefore does not require stiffening. Furthermore, the ledge (13) is not received by the groove (14), in fact the groove (14) is meant to receive a heat-conducting member (as shown in Fig. 3a, and as described in the description of Fig. 3a in col. 1, lines 50-52). Additionally, present claim 56 and 57 recite that the plate-shaped base stiffener may be removable from the groove and may be clipped thereto. The ledge (13) of the CHEELEY device is not insertable in to the groove, much less removable.

For the aforementioned reasons, the ledge (13) of the CHEELEY device cannot be considered a plate-shaped base

stiffener in the same sense as the stiffener as presently claimed. There is in fact nothing in either the CHEELEY patent or the BRASSET application to teach or suggest a plate-shaped base stiffener. Therefore, it would not have been obvious to a skilled artisan to develop a mould with a plate-shaped base stiffener. Furthermore, even if a skilled artisan had modified the BRASSET invention by incorporating CHEELEY's ledge, the product would not have been the present invention.

Claims 20-32 and 37 were rejected as allegedly being obvious over AHLGREN (U.S. Patent No. 4,184,421) in view of LIORENTE HOMPANERA (U.S. Publication Application No. 2001/0043977). That rejection is also respectfully traversed, for the following reasons.

The new independent claim 38 recites a mould for a culinary preparation comprising a rigid plate-shaped base stiffener, a lower portion of the flexible hollow piece comprising, on the one hand, a lower bead holding said rigid plate-shaped base stiffener and defining with said plate-shaped base stiffener a bottom wall of the mould, and, on the other hand, an upper bead extending above said lower bead, defining with said lower bead a groove in which the plate-shaped base stiffener is received, and pinning said plate-shaped base stiffener against said lower bead.

The AHLGREN patent discloses a foil sheet for cooking an item of food. The Office Action cites a depressed relief (18 in the AHLGREN figures) as both an upper bead and a groove, and it cites the foil sheet (13) as the plate-shaped base stiffener. That relief is not an upper bead as it does not extend above any lower bead, it is rather a depression. In fact, there is no upper bead at all; therefore, a groove is not defined by any upper and lower beads, and a plate-shaped base stiffener is not pinned to a lower bead by an upper bead.

The depressed relief (18) could be considered a groove, but not in the sense claimed. It is claimed that the groove is defined by an upper bead with a lower bead, and that the groove receives a plate-shaped base stiffener. The relief (18) however, is not defined by any upper bead, and it does not receive the foil sheet (13).

Furthermore, the AHLGREN device is made specifically for solid preparations as is apparent from the foil sheet disclosed in the AHLGREN patent which is laced with holes, as shown in Figs. 1, 2, and 5, and as described in col. 2, lines 55-61 of the specification. If one wanted to place a liquid in the pan, such as cake batter, it would pour out through the apertures in the foil sheet. The present specification states that one object of the claimed invention is to provide "resistance against the deformation of the mould especially if

it contains a liquid or a heavy preparation whether cooked or to be cooked" (pg 1, lines 32-33).

As discussed above, the AHLGREN device does not comprise an upper bead or a groove as presently claimed; it also could not be used with liquid preparations. Therefore even if a skilled artisan had modified the AHLGREN device to use a flexible elastomer such as silicone rather than rigid material (as disclosed in HOMPANERA), the product would not have been the claimed invention.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,
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